

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

CATHY I. LANCE,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of Social  
Security,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

2:01-0057

**ORDER**

Before the Court is the Plaintiff's Motion for Award of Attorney's Fees Under 42 U.S.C. § 406(b) and Plaintiff's exhibits in support of her Motion, Document #30. Counsel for the Commissioner has advised the Court that there is no objection to this fee.

The Court has considered the fee and finds it fair and reasonable. Social Security's Notice of Award states that the sum of \$24,774.25 has been withheld from Plaintiff's past-due benefits for payment of attorney's fees.

Plaintiff's Motion for Award of Attorney's Fees under the provisions of 42 U.S.C. § 406(b), Document #30, is **GRANTED**, and Plaintiff's counsel, Donna Simpson, is awarded additional attorney's fees in the amount of \$12,000.00 (twelve thousand and 00/100) pursuant to 42 U.S.C. § 406(b). Plaintiff's counsel had previously received \$4,000.00 (four thousand and 00/100) for over 62 hours of work before the Administration and had been awarded Equal Access to Justice Act, 28 U.S.C. § 2412(d) fees in the amount of \$2,362.50 (two thousand three hundred sixty-two and 50/100). Plaintiff's counsel shall refund to Plaintiff either the lesser of the 406(b) fee or the EAJA fees awarded in this case.

IT IS SO ORDERED.



Thomas A. Wiseman, Jr.  
Senior U.S. District Judge